



RESOLUTION

TO RETAIN THE SERVICES OF FUKUNAGA MATAYOSHI CHING & KON-HERRERA AS SPECIAL DEPUTY CORPORATION COUNSEL TO REPRESENT DRU AKAGI IN A LEGAL ACTION ENTITLED GERARD K. PUANA v. KATHERINE P. KEALOHA, ET AL., CIVIL NO. CV16-00659 JMS-KSC

WHEREAS, Dru Akagi ("Akagi"), a detective with the Honolulu Police Department ("HPD") is named in his official and individual capacity as a defendant in a civil lawsuit entitled Gerard K. Puana v. Katherine P. Kealoha, et al., Civil No. CV16-00659 JMS-KSC ("Puana Lawsuit"); and

WHEREAS, pursuant to Section 52D-8 of the Hawaii Revised Statutes, "[w]henever a police officer is ... sued in a civil action for acts done in the performance of the officers duty as a police officer, the police officer shall be represented and defended..."; and

WHEREAS, the Department of Corporation Counsel currently represents the City and County of Honolulu in several cases which are ongoing;

WHEREAS, it is probable that the City and County of Honolulu may, in the future, be named as a party defendant in the Puana Lawsuit;

WHEREAS, the Plaintiff has alleged in the Puana lawsuit that all of the defendants collaborated with each other to violate Plaintiff's rights and "engaged... in pattern of racketeering activity;"

WHEREAS, the Department of Corporation Counsel has determined that a potential conflict would exist if it represented any of the individual defendants in the Puana Lawsuit, including Akagi;

WHEREAS, pursuant to RCH Section 5-204, "Special deputies may be appointed by the corporation counsel, with the approval of the city council[;]" and

WHEREAS, based upon the foregoing, it is necessary to appoint and retain a Special Deputy Corporation Counsel ("Special Deputy"), to represent and defend Akagi in the Puana Lawsuit; and

WHEREAS, Fukunaga Matayoshi Ching & Kon-Herrera possesses the specialized legal knowledge and expertise to defend Akagi as Special Deputy in this lawsuit; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that:



RESOLUTION

1. Pursuant to RCH Section 5-204, the City Council authorizes the appointment and retention of Fukunaga Matayoshi Ching & Kon-Herrera as Special Deputy to represent Dru Akagi in the defense of, and any appellate proceedings arising out of, the above-referenced matter;
2. The total sum to be expended to pay Special Deputy shall not exceed Fifty Thousand Dollars (\$50,000.00), but this amount may be increased by the Council if it is satisfied with the justification made upon the recommendation of the Corporation Counsel for an increase in the stated maximum amount;
3. Special Deputy may be paid monthly for its services, provided that it submits to the Department of the Corporation Counsel an itemized monthly statement reflecting the specific services rendered, together with the total number of hours billed for the specific services at one-tenth of an hour, and the Department of the Corporation Counsel reviews and approves the statements before any payments may be made by the City; and
4. The Director of Budget and Fiscal Services is authorized to execute a contract with Fukunaga Matayoshi Ching & Kon-Herrera for the legal representation of Dru Akagi in the above-referenced matter; and



RESOLUTION

BE IT FINALLY RESOLVED by the Council that the Clerk be and is hereby directed to transmit copies of this Resolution to the Department of the Corporation Counsel and Fukunaga Matayoshi Ching & Kon-Herrera, 841 Bishop Street, Suite 1200, Honolulu, Hawaii 96813.

INTRODUCED BY:

[Signature]

(br)

DATE OF INTRODUCTION:

MAY 25 2017

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 17-161


Introduced: 05/25/17 By: RON MENOR – BY REQUEST Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

Title: RESOLUTION TO RETAIN THE SERVICES OF FUKUNAGA MATAYOSHI CHING & KON-HERRERA AS
SPECIAL DEPUTY CORPORATION COUNSEL TO REPRESENT DRU AKAGI IN A LEGAL ACTION ENTITLED
GERARD K. PUANA V. KATHERINE P. KEALOHA, ET AL., CIVIL NO. CV16-00659 JMS-KSC.

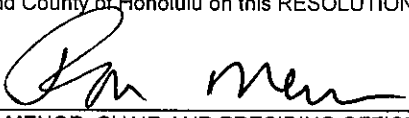
Voting Legend: * = Aye w/Reservations

05/23/17	EXECUTIVE MATTERS AND LEGAL AFFAIRS (EXECUTIVE SESSION)	CR-219 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
06/07/17	COUNCIL	CR-219 AND RESOLUTION 17-161 WERE ADOPTED. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA. 1 ABSENT: PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



RON MENOR, CHAIR AND PRESIDING OFFICER